

## **Comments on Section E of Draft 2008 Report to Congress: Scorecard Measures for Compliance with Relevant OMB Guidance on Quality of Regulatory Analysis**

The proposed questions for use in a scorecard are generally good. The most important items are numbers 2,3,4,6,7,8 and 9. For number 8 it is not clear why the distributional analysis should be 'separate.' It really shouldn't matter if it is in the RIA or not.

As regards the specific issues raised in Section E, my responses are as follows:

1. The metrics are reasonably objective although, as noted, it is not possible to determine the quality of the responses to the individual metrics.
2. I would focus more on a small number of the most important metrics, rather than on expanding the list. The metrics that I would classify as most important are identified above.
3. There is a possibility that limiting the scorecard to a small number of metrics will have a perverse effect. However, that has to be weighed against the risk of expanding the list to the point where it is not realistic for an agency to comply. Based on my own review of a number of recent regulations, it appears as if some basic elements essential to a good RIA can be missed by Agencies. A reasonable scorecard should recognize current practices and encourage agencies to improve. The goal is not to create a perfect RIA but rather to develop a useful aid for decisionmaking.
4. An agency report on the extent of compliance with relevant OMB guidance could potentially lead to a cookbook response regarding the included/excluded scorecard items. A preferred approach may involve a statement from the agency about why they did or did not include some of the more significant items.